GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:4756
ANSWERED ON:19.12.2002
MAINTENANCE TO DIVORCEE MUSLIM WOMEN
SUSHIL KUMAR SAMBHAJIRAO SHINDE

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether in view of the latest (October 2002) ruling of the Supreme Court that mere statement of `Talaq` by the husband, without corroborating evidence does not absolve him of the responsibility of maintenance of the Muslim wife;

(b) whether the Government propose to amend the law relating to the maintenance of divorced or deserted Muslim women; and

(c) if so, the steps taken and being taken by the Government in this regard?

Answer

MINISTER OF STATE FOR COAL , MINES LAW AND JUSTICE (SHRI RAV SHANKAR PRASAD)

(a) : Yes, Sir. The Supreme Court on October 1, 2002 in Shamin Ara Vs. State of U.P and Another, (2002) 7 Supreme Court Cases 518, has held that a mere plea taken in the written statement that divorce has been pronounced sometime in the past, cannot by itself be treated as effective talaq. The husband is required to adduce evidence and prove the pronouncemnt of talaq. In such a situation, the Court has held that neither the marriage between the parties stands dissolved nor does the liability of the husband to pay maintenance come to an end. Therefore, the husband shall continue to remain liable for payment of maintenance until the obligation comes to an end in accordance with law.

(b) : No.

(c) : Does not arise.